

PROB 12C
DMT Rev 01-17

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MONTANA**

Amended Petition for Warrant for Offender Under Supervision

Name of Offender: Daniel William Dobler

Docket Number: 0977 4:17CR00004-001

Name of Sentencing Judicial Officer: THE HONORABLE BRIAN MORRIS
CHIEF UNITED STATES DISTRICT JUDGE

Date of Original Sentence: 08/30/2017

Original Offense: 18:2314.F: SCHEME TO DEFRAUD: MONEY — STATE TAX STAMPS

Original Sentence: 42 months custody, 36 months supervised release

Type of Supervision: Supervised Release

Date Supervision Commenced: 01/16/2020

Assistant United States Attorney: Bryan Dake
2601 2nd Avenue North, Box 3200, Billings, MT 59101, (406) 657-6101

Defense Attorney: Hank Branom
Federal Defenders Office, 104 2nd Street South, Great Falls, MT 59401, (406) 727-5328

PETITIONING THE COURT

Background

On 08/30/2017, the defendant appeared for sentencing before THE HONORABLE BRIAN MORRIS, CHIEF UNITED STATES DISTRICT JUDGE, having pleaded guilty to the offense of 18:2314.F: SCHEME TO DEFRAUD: MONEY — STATE TAX STAMPS. The offense involved the defendant helping his co-defendant transport a large volume of stolen items from North Dakota and Montana to Washington to sell. He was sentenced to 42 months custody, followed by 36 months supervised release. The defendant began the current term of supervised release on 01/16/2020 in the Western District of Washington. United States Probation Officer (USPO) Daniel Acker contacted this officer on 06/18/2020, relaying he believed the defendant has violated the following conditions of supervision:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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1	Special condition: The defendant shall not possess, ingest or inhale any toxic substances such as, but not limited to, synthetic marijuana and/or synthetic stimulants that are not manufactured for human consumption, for the purpose of altering his mental or physical state.
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On 03/11/2020, the defendant admitted to USPO Acker he had used inhalants (Dust Off) on 02/28/2020 and 03/04/2020 and signed an admission of drug use form. Via phone on 03/17/2020, he verbally admitted to using inhalants on 03/16/2020 but never signed an admission of drug use form.

- 2 **Mandatory condition:** You must not commit another federal, state, or local crime.

On 02/28/2020, police located the defendant using inhalants (Dust Off) in a store parking lot. He was cited for trespassing; however, no formal charges were filed.

On 03/04/2020, police observed the defendant using inhalants while driving. He was cited and charged with Negligent Driving (First Degree), in violation of RCW 46.61.5249, which remains pending in Tacoma Municipal Court, Case Number B00260528.

On 03/16/2020, police found the defendant in possession of multiple aerosol cans in his vehicle. He was cited and charged for Possession of Drug Paraphernalia in Tacoma Municipal Court; however, the charges have since been dismissed.

- 3 **Special condition:** The defendant shall participate in and successfully complete a program of substance abuse treatment as approved by the United States Probation Office, until the defendant is released from the program by the probation office. The defendant is to pay part or all of this treatment, as directed by the United States Probation Officer.

The defendant began substance abuse treatment at SeaMar Community Health Centers on 03/12/2020. He has missed all scheduled treatment sessions since 05/18/2020 and not contacted his counselor since then. Staff informed USPO Acker the defendant will be discharged from treatment if he fails to promptly resume the program.

- 4 **Special condition:** The defendant shall pay restitution. The defendant is to make payments at the rate directed by United States Probation. Payments shall be made to the Clerk, United States District Court, Missouri River Courthouse, 125 Central Avenue West, Suite 110, Great Falls, MT 59404 and shall be disbursed to:

Tom's Coins (\$23,000)
Attention: Tom Fitzpatrick
2 1st Street SW
Minot, ND 58701

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Heirloom Jewelers (\$77,000)
211 3rd Avenue
Havre, MT 59501

At the time of his intake to supervision with USPO Acker, the defendant signed a restitution payment agreement to pay \$25 per month beginning March 2020. To date, he has made no payments.

- 5 **Standard condition:** You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.

The defendant primarily resided with his mother since releasing from custody in January 2020, occasionally staying with his aunt in the same area. USPO Acker last contacted the defendant on 03/17/2020 and was notified by treatment staff on 06/12/2020 he had stopped attending treatment. USPO Acker's attempts to contact the defendant since that time have gone unanswered, and his mother advised he has not lived at the residence since 05/17/2020. The defendant failed to inform USPO Acker he was no longer living with his mother within 72 hours of moving, and his current whereabouts are unknown.

The original petition reflecting the above violations was filed and a warrant was issued on 06/22/2020. The defendant has not appeared on any alleged violations.

Since the original petition, the following violations are alleged:

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
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- | | |
|---|---|
| 6 | Mandatory condition: You must not commit another federal, state, or local crime. |
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On 04/12/2021, the defendant was charged in Pierce County Superior Court, cause number 21-1-00854-1, with Felony Residential Burglary (a violation of RCW 9A.52.025). The charge remains pending and a warrant has been issued.

Charging documents allege that on or about 07/30/2020, a couple who resided in Gig Harbor, Washington, returned to their home to find a vehicle they did not recognize parked in their driveway. The unfamiliar vehicle was running and the homeowner removed its keys. While approaching the home, the homeowner encountered the defendant, who was carrying a gray

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bag and pillowcase filled with items from the residence. The defendant dropped the bags and fled to his vehicle. A struggle between the defendant and the homeowner ensued before the defendant fled on foot. He reportedly returned to the residence a short time later and took a cell phone from his vehicle. Law enforcement ultimately found items in the vehicle with the defendant's name and found the home ransacked. The homeowner positively identified the defendant as the person he encountered on the property.

7 **Mandatory condition:** You must not commit another federal, state, or local crime.

8 **Mandatory condition:** You must not unlawfully possess a controlled substance.

9 **Standard condition:** You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e. anything that was designed, or was modified for, the purpose of causing bodily injury or death to another person such as nunchakus or tasers).

10 **Standard condition:** If you are arrested or questioned by law enforcement officer, you must notify the probation officer within 72 hours.

On 03/31/2021, law enforcement conducted surveillance on a residence in Tacoma, Washington, in an attempt to locate and apprehend the defendant on his outstanding warrants. The defendant arrived at the residence driving a vehicle he was known to use frequently. He was observed taking a backpack and a second bag from the vehicle into the home.

The defendant and Rachel Zukowski, identified as his wife, soon entered the vehicle. The defendant, who was seated in the driver's seat of the vehicle, was apprehended without incident and a probationary search of the vehicle was conducted. A large amount of narcotics was located, leading to the search to be suspended pending law enforcement obtaining a search warrant.

A search of the vehicle the next day produced a shopping bag located behind the driver's seat that contained nine bags of methamphetamine, six bags of heroin, one bag of pills with M-30 inscribed on them, a scale, drug packaging materials, and paperwork with the defendant's name on it. There was approximately nine pounds of methamphetamine, three quarters of a pound of heroin, and a quarter pound of the M-30 pills total.

In addition to the grocery bag filled with drugs, law enforcement discovered a second bag behind the driver's seat that contained a semi-automatic Smith & Wesson .380 caliber handgun, a semi-automatic Intra

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Tec 9mm caliber handgun with an extended magazine, a Smith & Wesson .38 caliber handgun, and a Ruger Black Hawk .357 caliber handgun. Four boxes of 9mm ammunition were located in the vehicle's trunk, and a Springfield XD 9mm caliber handgun was found in Ms. Zukowski's purse, located on the front passenger floorboard.

As of 04/30/2021, the defendant has failed to contact the United States Probation Office regarding his contact with law enforcement. He currently remains in state custody.

AFFIDAVIT AND PETITION PRAYING THAT THE COURT WILL ORDER A WARRANT BE ISSUED

In conformance with the provision of 28 U.S.C. § 1746, I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge. Based on the information presented that the offender has violated conditions of supervision, I am petitioning the Court to amend the original petition filed 06/22/2020.

Reviewed

By:



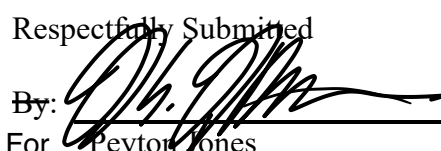
Kevin Heffernan

Supervising United States Probation Officer

Date: 05/03/2021

Respectfully Submitted

By:



For Peyton Jones

United States Probation Officer

Date: 05/03/2021

ORDER OF COURT

I find there is probable cause to believe the offender has violated conditions of supervision, supported by the above affirmation given under penalty of perjury. A Warrant was previously issued on 06/22/2020. Considered and ordered this 5th day of May, 2021, and ordered filed **UNDER SEAL** and made a part of the records in the above case.



Brian Morris

Chief United States District Judge

5/5/2021

Date